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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,022	07/06/2001	Yukitoshi Takeuchi	35.C15547	3535
5514	7590	08/17/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			THOMPSON, JAMES A	
		ART UNIT	PAPER NUMBER	
		2625		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/899,022	TAKEUCHI ET AL.
	Examiner	Art Unit
	James A. Thompson	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 May 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 7 and 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 23 May 2007 have been fully considered but they are not persuasive. Firstly, in the cited portion of Yanofski (USPN 4,172,660), it is clear that it is the spring means which eliminates the play between the hinge member and the cover member (see column 5, lines 33-36 of Yanofski). Secondly, while Applicant's present amendments to the claims overcome the previous rejections, Lee (USPN 6,233,426 B1) and Yanofski are applied to claims 1-4 and 13/1-13/4 and Lee, Yanofski, and Fujitaka (US Patent 5,541,712) are applied to claims 7 and 13/7 in the prior art rejections below to demonstrate that the presently amended claims are rendered obvious over the cited prior art. While the applied combination can be considered new grounds of rejection to the different manner in which the references are combined, the new grounds of rejection have been necessitated by the present amendments to the claims. Accordingly, the present action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4 and 13/1-13/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Yanofski (US Patent 4,172,660).**

Regarding claim 1: Lee discloses a cover of an image reading apparatus (figure 7 and figures 9A-9B of Lee) comprising a cover member (figure 7(86) (and clearly shown in figures 9A and 9B) of Lee) for covering an original placed on an original stand (figure 9A and column 6, lines 14-17 of Lee); a hinge member (figure 7(84) of Lee – back wall of hinge member also shown as figure 9B(114) of Lee, also see column 5, line 66 to column 6, line 1 of Lee) having one end thereof pivotally supported by a rotary shaft (figure 9B(100) of Lee) on said cover member (column 5, lines 40-54 of Lee), and having the other end thereof mounted on and pivotally supported by said original stand (column 5, lines 33-39 of Lee); and a recessed region with walls (figure 7(32,34,36) of Lee) configured and positioned to eliminate the play between said hinge member and said cover member in a direction parallel to said rotary shaft,

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thereby making constant the axial positional relation between said hinge member and said cover member by limiting the motion of said cover member in a direction parallel to said rotary shaft (*as can be seen from figure 7 of Lee, the recessed region and walls prevent motion of the cover (102) along a direction parallel to the rotary shaft (100)*), wherein said cover member can be rotated in a direction in which said cover member is opened with respect to said hinge member (figure 9B and column 6, lines 17-26 of Lee).

Lee does not disclose expressly that a *spring* eliminates said play and specifically *biases* said cover member in a direction parallel to said rotary shaft; and that said cover member is specifically *biased* in the direction in which said cover member can be rotated.

Yanofski discloses a spring (figure 2(33) of Yanofski) used to eliminate the play in a particular direction and specifically bias the cover member in a particular direction (figures 1A-1D and column 5, lines 33-53 of Yanofski); and that said cover member is specifically biased in the direction in which said cover member can be rotated (column 5, lines 40-49 of Yanofski).

Lee and Yanofski are combinable because they are from the same field of endeavor, namely document scanner covers for digitally scanning books and other thick media. At the time of the invention it would have been obvious to one of ordinary skill in the art to use biasing in the direction in which the cover member can be rotated. The motivation for doing so would have been to allow the cover member to remain rigidly positioned without user assistance (column 5, lines 33-36 of Yanofski), thus improving the overall functionality of the system taught by Lee. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to specifically use a spring to eliminate the play between the hinge member and cover member, as taught by Yanofski. In the context of the system of Lee, a spring would be used to eliminate the play in the direction parallel to the direction of the rotary shaft, since physical restraining means (recessed region and walls) are used to limit motion in a direction parallel to the rotary shaft in Lee. Additionally, since a spring would be used to eliminate the play between said hinge member and said cover member in a direction parallel to said rotary shaft, the cover member would be specifically biased in a direction parallel to the rotary shaft due to the force exerted by the spring. The use of a spring to limit motion between two elements, such as the cover member and the hinge member, is known in the art, such as in the presently cited Yanofski and in the Fujitaka (USPN 5,541,712) reference cited below. Substituting the use of a recessed region and walls with a spring to limit movement would have been obvious to one of ordinary skill in the art at the time of the invention, and would have given predictable results. Therefore, it would have been obvious to combine Yanofski with Lee to obtain the invention as specified in claim 1.

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Regarding claim 2: Lee discloses that said hinge member is pivotally supported by an area (figure 4(32) of Lee) other than an end portion of said cover member (column 3, lines 24-27 and column 4, lines 48-51 of Lee). Said hinge member is supported by the recessed region (figure 4(32) of Lee) which comprises an opening (figure 4(40) and column 3, lines 24-27 of Lee) into which the starter (figure 4(52) of Lee) is pivotally inserted, and is thus supported (column 4, lines 48-51 of Lee), said starter being a portion of the overall hinge member (column 3, lines 41-44 of Lee). The recessed region is clearly an area other than an end portion of said cover member.

Regarding claim 3: Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 4: Lee discloses that at least one of said cover member and said hinge member is provided with a restricting portion (figure 3(76) of Lee) for restricting the pivotally movable range of said cover member in the direction in which said cover member is opened with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 13/1: Lee in view of Yanofski discloses the cover recited in claim 1, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/2: Lee in view of Yanofski discloses the cover recited in claim 2, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/3: Lee in view of Yanofski discloses the cover recited in claim 3, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

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Regarding claim 13/4: Lee in view of Yanofski discloses the cover recited in claim 4, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

4. Claims 7 and 13/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Yanofski (US Patent 4,172,660) and Fujitaka (US Patent 5,541,712).

Regarding claim 7: Lee in view of Yanofski does not disclose specifically that said spring is a torsion coil spring.

Fujitaka discloses that said spring is a torsion coil spring (column 10, lines 10-11 of Fujitaka).

Lee in view of Yanofski is combinable with Fujitaka because they are from the same field of endeavor, namely scanner covers for document scanners. At the time of the invention, it would have been obvious to one of ordinary skill in the art to specifically use a torsion coil spring for the spring taught by Yanofski. The suggestion for doing so would have been that a torsion coil spring provides an intense resistance (column 10, lines 10-14 of Fujitaka) and would thus be suitable for use as the spring in the system of Yanofski, as applied to the system of Lee. Therefore, it would have been obvious to combine Fujitaka with Lee in view of Yanofski to obtain the invention as specified in claim 7.

Regarding claim 13/7: Lee in view of Yanofski and Fujitaka discloses the cover recited in claim 7, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

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date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson
Examiner
Technology Division 2625

JAT
13 August 2007



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